

REMARKS

The Official Action mailed December 5, 2006, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to April 5, 2007. Accordingly, the Applicant respectfully submits that this response is being timely filed.

Claims 1 and 3 are pending in the present application, of which claim 1 is independent. Claim 1 been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 1 and 3 as obvious based on the combination of U.S. Patent No. 6,735,416 to Marko and Figure 3 of the present specification, which the Official Action refers to as "admitted prior art" (APA). The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claim of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claim, as amended. Independent claim 1 has been amended to recite a total gain through a first reception series being different from a total gain through a second reception series, where a two-way distributor operates to distribute an input at a distribution ratio according to the difference between the total gain through the first reception series and the total gain through the second reception series. For the reasons provided below, Marko and APA, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The present invention differs from the prior art of record, for example, in setting the distribution ratio in distributing the automatic gain control (AGC) output to the first and second reception series at a ratio according to the difference between the total gain through the first reception series and the total gain through the second reception series, which are different from each other. Thus, in the present invention, the distribution ratio, in which the AGC output is distributed to the first and second reception series, is intentionally set at a particular value. Accordingly, the present invention recited in amended claim 1 clearly defines how to determine the level ratio of the signals to be distributed to the first and second reception series.


In contrast, in the receiver of Marko, the splitter 225' appears to split the RF stage output into two signals; however, Marko does not disclose or suggest intentionally splitting these signals in a specific level ratio (i.e. "a distribution ratio according to the difference between the total gain through the first reception series and the total gain through the second reception series"); as required in the present invention. Similarly, the APA fails to disclose or suggest the above-referenced features of the present invention.

Therefore, the Applicant respectfully submits that Marko and APA, either alone or in combination, do not teach or suggest, in combination with the other features of claim 1, a total gain through a first reception series being different from a total gain through a second reception series, where a two-way distributor operates to distribute an input at a distribution ratio according to the difference between the total gain through the first reception series and the total gain through the second reception series.

Since Marko and APA do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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